

JANUARY 12, 1807.

Read the first and second time, and committed to a committee of the whole House, on Monday next.

A Bill,

To incorporate a company for making a turnpike road from the west end of Mason's causeway, to Alexandria.



1 Sec. 1. *BE it enacted by the senate and house of representatives of*
2 *the United States of America, in congress assembled, That*

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5 of the town of Alexandria, and

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8 of the town of Georgetown, be, and hereby are appointed commis-
9 sioners, to do and perform the several duties hereinafter mentioned,

10 that is to say; they shall, on or before the

11 day of

next, open books for receiving subscrip-

12 tions, and in each of them enter as follows : “ We whose names are
 13 hereto subscribed, do severally promise to pay to the president,
 14 managers, and company of the Georgetown and Alexandria turn-
 15 pike road, the sum of one hundred dollars for every share of stock in
 16 the said turnpike road company, set opposite to our respective names,
 17 in such manner and proportions, and at such times as shall be deter-
 18 mined by the president and managers, in pursuance to an act of
 19 Congress, entitled “ An act to incorporate a company for making
 20 a turnpike road from the west end of Mason’s causeway to Alexan-
 21 dria.” And shall thereupon give notice in some newspaper printed
 22 in Georgetown and in Alexandria, for one calendar month at least, of
 23 the times and places in the said towns of Georgetown and Alexan-
 24 dria, when and where the said books shall be opened to receive sub-
 25 scriptions of stock in the said company ; at which times and places
 26 some one or more of the said commissioners shall attend, and shall
 27 permit and suffer all persons to subscribe who shall offer to sub-
 28 scribe in the said books, which shall be kept open for that purpose
 29 at least six hours in each day: *Provided*, That one hundred of the
 30 said two hundred shares, be only subscribed on the books open-
 31 ed at Alexandria, and the like number on the books opened at
 32 Georgetown. On the first day of opening said books, any person of
 33 the age of twenty-one years, may subscribe in his or her own name,
 34 or in the name of any person who shall have given written autho-
 35 rity for the same, to be deposited with the commissioners, one
 36 share, and on any succeeding day for any number of shares in the
 37 said stock, until the subscription be filled. If on the first day of

38 opening the said books, more than one hundred shares shall have
 39 been subscribed in the books at Alexandria, then lots shall be drawn
 40 by the commissioners of that place, to determine who shall be the
 41 holders of one hundred shares ; and so in the like case happening at
 42 Georgetown, the commissioners at that place shall determine in the
 43 same manner, who shall be the holders of one hundred shares. And
 44 every person offering to subscribe in the said books in his own name,
 45 or in any other name, shall previously pay to the commissioners
 46 keeping the book, twenty dollars for every share to be subscribed,
 47 out of which shall be defrayed the expenses attending taking the
 48 subscriptions, and other incidental charges, and the remainder shall
 49 be paid over to the treasurer of the company, as soon as the same
 50 shall be organized, and the officers chosen as hereinafter mentioned.

1 *Sec. 2. And be it further enacted,* That when any number of per-
 2 sons shall have subscribed one hundred and fifty shares or more,
 3 of the said stock, the said commissioners or a majority of them may,
 4 and when the whole number of shares aforesaid, shall be subscrib-
 5 ed, shall certify under their hands and seals, the names of the sub-
 6 sscribers, and the number of shares belonging to each, to the clerk
 7 of Alexandria county, and thereupon they shall become one body
 8 politic and corporate, in deed and in law, by the name and stile of
 9 “The president, managers, and company of the Georgetown and
 10 Alexandria turnpike road ;” and by the said name shall have perpe-
 11 tual succession, and all the privileges incident to a corporation, and
 12 shall be capable of taking and holding their said capital stock, and
 13 the increase and profits thereof, and of enlarging the same by new

14 subscriptions, if such enlargement shall be found necessary to fulfil
 15 the intent of this act; and of purchasing, taking, and holding to
 16 them and their successors and assigns, in fee simple or for any lesser
 17 estate, all such lands, tenements, hereditaments and estate, real and
 18 personal, as shall be necessary to them in the prosecution of their
 19 works, and of suing and being sued, and of doing all and every
 20 other matter and thing concerning the subject aforesaid, which a
 21 corporation or body politic may lawfully do.

1 Sec. 3. *And be it further enacted*, That a majority of the aforesaid
 2 commissioners, as soon as conveniently may be, after certifying the
 3 said subscription, and lodging their certificate thereof in the office
 4 of the clerk of Alexandria county, shall give notice in some news-
 5 paper printed in the towns of Alexandria and Georgetown, of a time
 6 and place to be by them appointed, for the subscribers to proceed
 7 to organize the said corporation; at which time and place, the said
 8 subscribers, by a majority of votes, to be delivered by ballots, in per-
 9 son or by proxy, duly authorized, shall elect one president and four
 10 managers, to conduct the business of the said company for one year,
 11 and until other such officers shall be chosen, and may make such
 12 rules, orders, and regulations, not inconsistent with the constitution
 13 and laws of the United States, as shall be necessary for the well be-
 14 ing of the affairs of said company: *Provided always*, That no per-
 15 son shall have more than ten votes at any election, or in deter-
 16 mining any question arising at such meeting, whatever number of
 17 shares he may hold, and that each person shall be entitled to one
 18 vote for every share by him held, under the said number.

1 Sec. 4. *And be it further enacted*, That the said company shall
 2 meet on the first Monday in February, in every year, at such place
 3 as shall be fixed by their bye-laws, for the purpose of choosing such
 4 officers as aforesaid, for the ensuing year, in manner aforesaid, and
 5 at such other times as they shall be summoned by the president and
 6 managers aforesaid ; at which annual or special meetings, they shall
 7 have full power and authority to do and perform any act by law
 8 allowed, and pertaining to the affairs of said company.

1 Sec. 5. *And be it further enacted*, That the president and ma-
 2 nagers shall procure printed certificates for all the shares of the
 3 said stock, and shall deliver one such certificate, signed by the pre-
 4 sident, to each person, for every share by him subscribed and held;
 5 which certificate shall be transferable at his pleasure in person, or
 6 by attorney, in the presence of the president or treasurer, when a
 7 treasurer shall be appointed, subject, however, to all payments due
 8 or to grow due thereupon ; and the assignee holding any such cer-
 9 tificate, having caused the assignment to be entered in a book of the
 10 company, to be kept for that purpose, shall be a member of said
 11 company, and for every certificate by him held, shall be entitled
 12 to one share in the capital stock and estate of the said company ;
 13 and if any stockholder, after thirty days notice in a public paper,
 14 printed in each of the towns of Alexandria and Georgetown, of the
 15 time and place appointed for the payment of any portion or divi-
 16 dend of the sum subscribed in said stock, shall neglect to pay the
 17 same for the space of thirty days after the time so appointed, the

13 same shall be forfeited to the said company, and may be sold by
 19 them to any other person or persons willing to purchase, for such
 20 price as can be obtained.

1 Sec. 6. *And be it further enacted,* That the said president and
 2 managers shall meet at such times and places as shall be agreed
 3 upon for transacting their business ; at which meetings, any three
 4 members shall form a quorum, who in the absence of the president
 5 may choose a chairman, and shall keep minutes of all their transac-
 6 tions, fairly entered in a book, and a quorum being met, they shall
 7 have full power and authority to appoint a treasurer, and agree with
 8 and appoint all such surveyors, intendants, artists, or other agents,
 9 as they shall judge necessary to carry on the intended works, and
 10 to fix their salaries, wages, or compensation ; to direct and order
 11 the times, manner, and proportions, when and in which the stock-
 12 holders shall pay the monies due on their respective shares ; to draw
 13 orders on the treasurer for all monies due from the said company,
 14 and generally to do and transact all such other acts, matters, and
 15 things, as by the bye-laws, rules, and regulations of said company
 16 shall be required or permitted.

1 Sec. 7. *And be it further enacted,* That the said president and
 2 managers shall cause to be surveyed, laid down, ascertained and
 3 fixed, the said turnpike road, from the west end of Mason's cause-
 4 way, and passing by the head of the tide water of four mile run, near
 5 a place called Adam's mill, and thence to the limits of Alexandria,
 6 in such route or track for the same, as in the best of their judgment
 7 and skill will combine shortness of distance, with the most conveni-

ent ground, and the smallest expenditure of money, and is
 9 lawful to and for the said president and managers, their surveyors
 10 and agents, to enter upon all and every the lands and inclosures in,
 11 through, and over which the said turnpike road may be thought
 12 proper to pass, and to examine the ground most proper for the pur-
 13 pose, and the quarries and beds of stone and gravel, and other ma-
 14 terials in the vicinity, that will be useful in making the said road.

1 Sec. 8. *And be it further enacted*, That it shall and may be law-
 2 ful to and for the president and managers, by and with their super-
 3 intendants, artists, and labourers, with their tools and instruments,
 4 with carts, waggons, and other carriages, and beasts of draft or
 5 burden, to enter upon the lands in, over, or near to which the route
 6 or track of the said intended road shall pass, first giving notice of
 7 their intention to the owners thereof, or their representatives, and
 8 doing as little damage thereto as possible, and repairing any breach-
 9 es they may make in the inclosures thereof, and making amends for
 10 any damages that may be done to any improvements thereon; and
 11 also for the ground to be occupied by the road, and the necessary
 12 toll houses and gates, by a reasonable agreement, if they can agree;
 13 but if they cannot agree, then by appraisement to be made upon oath
 14 or affirmation, by three indifferent freeholders, or any two of them
 15 agreeing, to be mutually chosen; or if they cannot agree in a choice,
 16 or if the owners upon due notice, shall neglect or refuse to join in the
 17 choice, then to be appointed by the judge of the circuit court of the
 18 district of Columbia, residing in the county of Alexandria, and
 19 having tendered the appraised value so as aforesaid to be made, it

20 shall be lawful to occupy the ground for the road, and necessary for
21 the toll houses and gates ; to cut, dig, take, and carry away any logs,
22 stone, gravel, sand, or earth most conveniently situate for making
23 or repairing said road. The said president and managers shall
24 cause the said road to be laid out fifty feet wide, twenty-four feet
25 whereof in breadth, at least, shall be made an artificial road of stone,
26 gravel, or other hard substance, of a sufficient depth or thickness
27 to secure a solid and firm road, with a surface as even as the ma-
28 terials will admit, and so nearly level as that it shall in no place rise
29 or fall more than an angle of four degrees with an horizontal line ;
30 and the said road shall forever hereafter be maintained and kept in
31 good and perfect repair, and wheresoever any bridge over any part
32 of the said road shall be deemed necessary, the same shall be built
33 of permanent materials.

Sec. 9. *And be it further enacted*, That so soon as the president
and managers shall have perfected the said road from the west end
of Mason's causeway, to street in the said town of
Alexandria, and in the route aforesaid, they shall give public notice
thereof in some newspaper printed in Alexandria; and it shall be
lawful for them thereafter to erect and fix such and so many gates
or turnpikes upon and across the said road, as will be necessary and
sufficient to collect the tolls hereinafter granted to the said company;
and it shall be lawful for them to appoint such and so many toll ga-
therers, as they shall deem necessary to collect and receive of and
from all and every person and persons using the said road, the tolls
and rates hereinafter mentioned, and to stop any person or persons

13 riding, leading, or driving any horses, mules, cattle, hogs, sheep,
 14 sulkey, chair, chaise, phaeton, chariot, coach, cart, waggon, sleigh,
 15 sled, or any carriage of burden or pleasure, from passing through
 16 the said gates, until the said tolls shall be paid, that is to say; for
 17 the whole distance in length of said road, and so in proportion for
 18 any greater or lesser distance, but all fractions of a mile to be com-
 19 puted as a mile, viz. For every score of sheep, eight cents; for
 20 every score of hogs, eight cents; for every score of cattle, sixteen
 21 cents; for every horse or mule, with or without a rider, four cents;
 22 for every sulkey, chair, chaise, or carriage of pleasure, two wheels
 23 and one horse, eight cents; for every coach, chariot, stage-waggon,
 24 coachee, phaeton or chaise, with four wheels and two horses, six-
 25 teen cents; for any of the carriages last mentioned, with four horses,
 26 twenty cents; for every other carriage of pleasure under whatever
 27 name it may go, the like sums, according to the number of wheels
 28 and horses in the proportion aforesaid; for every cart or waggon
 29 whose wheels do not exceed the breadth of four inches, five cents
 30 for each horse drawing the same; for every cart or waggon whose
 31 wheels shall exceed in breadth four inches, and not exceed seven
 32 inches, three cents for every horse drawing the same; for every
 33 cart or waggon the breadth of whose wheels shall be more than
 34 seven inches and not more than ten inches, two cents for every
 35 horse drawing the same; for every cart or waggon the breadth of
 36 whose wheels shall be more than ten inches and not exceed twelve
 37 inches, one cent and a half for every horse drawing the same; and
 38 that all such carriages as aforesaid, to be drawn by oxen in the

39 whole or partly by oxen, or to be drawn by mules in whole or part,
 40 two oxen shall be estimated as equal to one horse in charging all the
 41 aforesaid tolls, and every mule as equal to one horse.

1 Sec. 10. *And be it further enacted*, That it shall be lawful for the
 2 said company, by their bye-laws, to make any rule or regulation
 3 respecting the burdens on carriages to be drawn over the said road,
 4 which shall be deemed reasonable and proper, and from time to time
 5 to alter the same ; and the said company shall cause mile stones to
 6 be placed on the side of said road, noting the distance from the
 7 north bounds of Alexandria, and at every gate or turnpike, shall
 8 cause the distance from the north bounds of Alexandria, and the
 9 distance from the west end of Mason's causeway, to be marked in le-
 10 gible characters on some conspicuous part of said gate; and shall cause
 11 also to be affixed at such places, a printed list of the tolls, which
 12 may be demanded of those using the said road ; all waggoners and
 13 drivers of carriages of all kinds, whether of burden or pleasure, using
 14 the said road, shall, except when passing by another carriage of slow-
 15 er draft going in the same direction, keep their horses and carriages
 16 on the right hand side of the said road, leaving the other side of the
 17 road clear and free for other carriages to pass and repass ; and if
 18 any driver shall offend against this provision, he shall forfeit and pay
 19 two dollars to any person obstructed in his passage, who will sue
 20 for the same, to be recovered with costs before any justice of the
 21 peace, in the same manner as small debts are recoverable, and more-
 22 over, shall be liable to the party injured by suit at common law, for
 23 any special damage done.

1 Sec. 11. *And be it further enacted*, That the president and ma-
 2 nagers of the said company, shall keep fair and just accounts of all
 3 monies to be received by them from the said commissioners, and
 4 from the subscribers to the said undertaking, on account of their
 5 several subscriptions, and of all monies by them to be expended in
 6 the prosecution of their said work, and shall once at least in every
 7 year, submit such accounts to a general meeting of the stockholders,
 8 until the said road shall be completed, and until all the costs, charges,
 9 and expenses of effecting the same, shall be fully liquidated, paid
 10 and discharged; and if upon such liquidation, or whenever the whole
 11 capital stock of the said company shall be nearly expended, it shall
 12 be found that the said capital stock will not be sufficient to com-
 13 plete the said road, according to the true intent and meaning of this
 14 act, it shall and may be lawful for the said company to be convened
 15 according to the provisions of this act, or their own bye-laws and
 16 rules, to increase the number of shares to such extent as shall be
 17 necessary to accomplish the work, and to demand and receive the
 18 monies subscribed for such shares, in like manner and under the
 19 like penalties as are herein before provided for the original sub-
 20 scriptions, or as shall be provided by their bye-laws.

1 Sec. 12. *And be it further enacted*, That the said president and
 2 managers shall also keep just and true accounts of all the monies
 3 to be received by their several collectors of tolls at the turnpike
 4 gates on the said road, and shall make and declare a half-yearly divi-
 5 dend of the clear profits and income thereof, all contingent costs
 6 and charges being first deducted, among all the holders of said stock,
 7 and shall publish the half-yearly dividend aforesaid, in some news-

8 paper printed in Alexandria and Georgetown, and the time and place
9 when and where the same will be paid, and shall cause the same
10 to be paid accordingly.

1 Sec. 13. *And be it further enacted,* That the said president and
2 managers shall, at the end of two years next after the whole road
3 shall be completed, lay before the president of the United States,
4 an abstract of their accounts, shewing the whole amount of their
5 capital expended in prosecution of said work, and of the income and
6 profits arising from the said tolls, together with the costs and
7 charges of keeping annually the said road in repair, and all other
8 charges, to the end that the clear annual income may be known and
9 ascertained ; and if at the end of two years after the said road shall
10 be completed, it shall appear from the average profits of the said two
11 years, that the said clear income and profits thereof will not bear a
12 dividend of six per centum per annum, on the whole capital stock
13 of the said company so expended, then it shall and may be lawful
14 for the said president, managers, and company, to increase the tolls
15 herein beforementioned, so much upon each and every allowance or
16 rate, as will raise the dividend up to six per centum per annum, and
17 at the end of every ten years after the said road shall be completed,
18 they shall render to the president of the United States, a like ab-
19 stract of their accounts for the three years last preceding ; and if at
20 the end of any such decimal period it shall appear from such ab-
21 stract, that the clear profits and income of said company will bear a
22 dividend of more than fifteen per centum per annum, then the said
23 toll shall be so reduced as will reduce the said dividend down to
24 fifteen per centum per annum ; and if at any time after the said tolls

25 shall be collected, any part of the said road shall be found out of
 26 order, according to the true intent and meaning of this act, by the
 27 inquisition of a jury, the toll on such part of the road shall cease
 28 until it be completely repaired ; and moreover, any person or persons
 29 impeded, obstructed or injured, in consequence of the said road
 30 not being in good, substantial and sufficient order and repair, accord-
 31 ing to the true intent and meaning of this act, may have and main-
 32 tain his or their action on the case against the said company, to
 33 recover damages therefor.

1 Sec. 14. *And be it further enacted,* That if any person or persons
 2 riding in or driving any carriage of any kind, or leading, riding or
 3 driving any horses, sheep, hogs, or any kind of cattle whatever,
 4 on said road, shall pass through any private gate, bars or fence, or
 5 over any private way or passage, or pass through any toll-gate under
 6 any pretended privilege or exemption to which he or she, or they,
 7 may not be entitled, or do any act or thing with intent to lessen or
 8 evade the tolls for passing through the gates established under this
 9 act, such person or persons, for every such offence, shall forfeit to
 10 the said company not less than three nor more than ten dollars, to
 11 be recovered before any justice of the peace, with costs, in the same
 12 manner that small debts are recoverable : *Provided,* That it shall
 13 not be lawful for the said company to ask, demand, or receive from
 14 or for persons living on or adjacent to the said road, who may have
 15 occasion to pass by the said road upon the ordinary business relating
 16 to their farms, so far as the limits of the same may extend on the
 17 road, who shall not have any other convenient road or way by which
 18 they may pass from one part to another part thereof, any toll for
 19 passing on or by the said turnpike.